

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 820

Introduced by Janssen, 15.

Read first time January 08, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-6,114,
2 60-6,294, and 60-6,298, Revised Statutes Cumulative
3 Supplement, 2008; to provide an exception from width,
4 height, length, weight, and load restrictions for certain
5 emergency vehicles; to eliminate provisions relating to
6 permits for certain emergency vehicles; to harmonize
7 provisions; and to repeal the original sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,114, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-6,114 (1) Subject to the conditions stated in the
4 Nebraska Rules of the Road, the driver of an authorized emergency
5 vehicle, when responding to an emergency call, when pursuing an
6 actual or suspected violator of the law, or when responding to but
7 not when returning from a fire alarm, may:

8 (a) Stop, park, or stand, irrespective of the provisions
9 of the rules, and disregard regulations governing direction of
10 movement or turning in specified directions; and

11 (b) Except for wreckers towing disabled vehicles and
12 highway maintenance vehicles and equipment:

13 (i) Proceed past a steady red indication, a flashing red
14 indication, or a stop sign but only after slowing down as may be
15 necessary for safe operation; and

16 (ii) Exceed the maximum speed limits so long as he or she
17 does not endanger life, limb, or property.

18 (2) Except when operated as a police vehicle, the
19 exemptions granted in subsection (1) of this section shall apply
20 only when the driver of such vehicle, while in motion, sounds
21 an audible signal by bell, siren, or exhaust whistle as may be
22 reasonably necessary and when such vehicle is equipped with at
23 least one lighted light displaying a red light visible under normal
24 atmospheric conditions from a distance of five hundred feet to the
25 front of such vehicle.

1 (3) The exemptions granted in subsection (1) of this
2 section shall not relieve the driver from the duty to drive with
3 due regard for the safety of all persons, nor shall such provisions
4 protect such driver from the consequences of his or her reckless
5 disregard for the safety of others.

6 (4) ~~Authorized emergency vehicles operated by police and~~
7 ~~fire departments shall not be subject to the~~ The size and weight
8 limitations of sections 60-6,288 to 60-6,290 and 60-6,294 shall not
9 apply to an authorized emergency vehicle or a vehicle operated by
10 a manufacturer or sales agent for purposes of sale, demonstration,
11 exhibit, or delivery as an authorized emergency vehicle.

12 Sec. 2. Section 60-6,294, Revised Statutes Cumulative
13 Supplement, 2008, is amended to read:

14 60-6,294 (1) Every vehicle, whether operated singly or in
15 a combination of vehicles, and every combination of vehicles
16 shall comply with subsections (2) and (3) of this section
17 except as provided in sections 60-6,294.01 and 60-6,297. The
18 limitations imposed by this section shall be supplemental to all
19 other provisions imposing limitations upon the size and weight of
20 vehicles.

21 (2) No wheel of a vehicle or trailer equipped with
22 pneumatic or solid rubber tires shall carry a gross load in excess
23 of ten thousand pounds on any highway nor shall any axle carry
24 a gross load in excess of twenty thousand pounds on any highway.
25 An axle load shall be defined as the total load transmitted to

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1	10	40,000	43,500			
2	11		44,000			
3	12		45,000	50,000		
4	13		45,500	50,500		
5	14		46,500	51,500		
6	15		47,000	52,000		
7	16		48,000	52,500	58,000	
8	17		48,500	53,500	58,500	
9	18		49,500	54,000	59,000	
10	19		50,000	54,500	60,000	
11	20		51,000	55,500	60,500	
12	21		51,500	56,000	61,000	
13	22		52,500	56,500	61,500	
14	23		53,000	57,500	62,500	
15	24		54,000	58,000	63,000	
16	25		54,500	58,500	63,500	69,000
17	26		55,500	59,500	64,000	69,500
18	27		56,000	60,000	65,000	70,000
19	28		57,000	60,500	65,500	71,000
20	29		57,500	61,500	66,000	71,500
21	30		58,500	62,000	66,500	72,000
22	31		59,000	62,500	67,500	72,500
23	32		60,000	63,500	68,000	73,000
24	33			64,000	68,500	74,000
25	34			64,500	69,000	74,500

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1	35	65,500	70,000	75,000	
2	36	66,000	70,500	75,500	
3	37	66,500	71,000	76,000	81,500
4	38	67,500	72,000	77,000	82,000
5	39	68,000	72,500	77,500	82,500
6	40	68,500	73,000	78,000	83,500
7	41	69,500	73,500	78,500	84,000
8	42	70,000	74,000	79,000	84,500
9	43	70,500	75,000	80,000	85,000
10	44	71,500	75,500	80,500	85,500
11	45	72,000	76,000	81,000	86,000
12	46	72,500	76,500	81,500	87,000
13	47	73,500	77,500	82,000	87,500
14	48	74,000	78,000	83,000	88,000
15	49	74,500	78,500	83,500	88,500
16	50	75,500	79,000	84,000	89,000
17	51	76,000	80,000	84,500	89,500
18	52	76,500	80,500	85,000	90,500
19	53	77,500	81,000	86,000	91,000
20	54	78,000	81,500	86,500	91,500
21	55	78,500	82,500	87,000	92,000
22	56	79,500	83,000	87,500	92,500
23	57	80,000	83,500	88,000	93,000
24	58		84,000	89,000	94,000
25	59		85,000	89,500	94,500

1	60	85,500	90,000	95,000
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2 (4) The distance between axles shall be measured to the
 3 nearest foot. When a fraction is exactly one-half foot, the next
 4 larger whole number shall be used, except that:

5 (a) Any group of three axles shall be restricted to a
 6 maximum load of thirty-four thousand pounds unless the distance
 7 between the extremes of the first and third axles is at least
 8 ninety-six inches in fact; and

9 (b) The maximum gross load on any group of two axles,
 10 the distance between the extremes of which is more than eight feet
 11 but less than eight feet six inches, shall be thirty-eight thousand
 12 pounds.

13 (5) The limitations of subsections (2) through (4) of
 14 this section shall apply as stated to all main, rural, and
 15 intercity highways but shall not be construed as inhibiting heavier
 16 axle loads in metropolitan areas, except on the National System of
 17 Interstate and Defense Highways, if such loads are not prohibited
 18 by city ordinance.

19 (6) The weight limitations of wheel and axle loads as
 20 defined in subsections (2) through (4) of this section shall be
 21 restricted to the extent deemed necessary by the Department of
 22 Roads for a reasonable period when road subgrades or pavements are
 23 weak or are materially weakened by climatic conditions.

24 (7) Two consecutive sets of tandem axles may carry a

1 gross load of thirty-four thousand pounds each when the overall
2 distance between the first and last axles of such consecutive sets
3 of tandem axles is thirty-six, thirty-seven, or thirty-eight feet
4 except as provided in section 60-6,297. Such vehicles shall be
5 subject to section 60-6,301.

6 (8) If any vehicle crosses a bridge with a total gross
7 load in excess of the posted capacity of such bridge and as a
8 result of such crossing any damage results to the bridge, the owner
9 of such vehicle shall be responsible for all of such damage.

10 (9) Vehicles equipped with a greater number of axles than
11 provided in the tables in subsection (3) of this section shall be
12 legal if they do not exceed the maximum load upon any wheel or
13 axle, the maximum load upon any group of two or more consecutive
14 axles, and the total gross weight, or any of such weights as
15 provided in subsections (2) and (3) of this section.

16 (10) Subsections (1) through (9) of this section shall
17 not apply to a vehicle which has been issued a permit pursuant to
18 section 60-6,299, or to self-propelled specialized mobile equipment
19 with a fixed load when the requirements of subdivision (2)(i)
20 of section 60-6,288 are met. ~~or an emergency vehicle when the~~
21 ~~requirements of subdivision (1)(a)(v) of section 60-6,298 are met.~~

22 (11) Any two consecutive axles the centers of which are
23 more than forty inches and not more than ninety-six inches apart,
24 measured to the nearest inch between any two adjacent axles in
25 the series, shall be defined as tandem axles, and the gross weight

1 transmitted to the road surface through such series shall not
2 exceed thirty-four thousand pounds. No axle of the series shall
3 exceed the maximum weight permitted under this section for a single
4 axle.

5 (12) Dummy axles shall be disregarded in determining the
6 lawful weight of a vehicle or vehicle combination for operation on
7 the highway. Dummy axle shall mean an axle attached to a vehicle
8 or vehicle combination in a manner so that it does not articulate
9 or substantially equalize the load and does not carry at least
10 the lesser of eight thousand pounds or eight percent of the gross
11 weight of the vehicle or vehicle combination.

12 (13) The maximum gross weight limit and the axle
13 weight limit for any vehicle or combination of vehicles equipped
14 with idle reduction technology may be increased by an amount
15 necessary to compensate for the additional weight of the idle
16 reduction technology as provided in 23 U.S.C. 127(a)(12), as
17 such section existed on July 18, 2008. The additional amount of
18 weight allowed by this subsection shall not exceed four hundred
19 pounds and shall not be construed to be in addition to the
20 five-percent-in-excess-of-maximum-load provision of subdivision (1)
21 of section 60-6,301.

22 Sec. 3. Section 60-6,298, Revised Statutes Cumulative
23 Supplement, 2008, is amended to read:

24 60-6,298 (1)(a) The Department of Roads or the Nebraska
25 State Patrol, with respect to highways under its jurisdiction

1 including the National System of Interstate and Defense Highways,
2 and local authorities, with respect to highways under their
3 jurisdiction, may in their discretion upon application and good
4 cause being shown therefor issue a special, continuing, or
5 continuous permit in writing authorizing the applicant or his
6 or her designee:

7 (i) To operate or move a vehicle, a combination of
8 vehicles, or objects of a size or weight of vehicle or load
9 exceeding the maximum specified by law when such permit is
10 necessary:

11 (A) To further the national defense or the general
12 welfare;

13 (B) To permit movement of cost-saving equipment to be
14 used in highway or other public construction or in agricultural
15 land treatment; or

16 (C) Because of an emergency, an unusual circumstance, or
17 a very special situation;

18 (ii) To operate vehicles, for a distance up to one
19 hundred twenty miles, loaded up to fifteen percent greater than the
20 maximum weight specified by law, up to ten percent greater than the
21 maximum length specified by law, except that for a truck-tractor
22 semitrailer trailer combination utilized to transport sugar beets
23 which may be up to twenty-five percent greater than the maximum
24 length specified by law, or both, when carrying grain or other
25 seasonally harvested products from the field where such grain or

1 products are harvested to storage, market, or stockpile in the
2 field or from stockpile to market or factory when failure to
3 move such grain or products in abundant quantities would cause an
4 economic loss to the person or persons whose grain or products are
5 being transported or when failure to move such grain or products
6 in as large quantities as possible would not be in the best
7 interests of the national defense or general welfare. The distance
8 limitation may be waived for vehicles when carrying dry beans from
9 the field where harvested to storage or market when dry beans
10 are not normally stored, purchased, or used within the permittee's
11 local area and must be transported more than one hundred twenty
12 miles to an available marketing or storage destination. No permit
13 shall authorize a weight greater than twenty thousand pounds on any
14 single axle;

15 (iii) To transport an implement of husbandry which does
16 not exceed twelve and one-half feet in width during daylight hours,
17 except that the permit shall not allow transport on holidays; or

18 (iv) To operate one or more recreational vehicles, as
19 defined in section 71-4603, exceeding the maximum width specified
20 by law if movement of the recreational vehicles is prior to retail
21 sale and the recreational vehicles comply with subdivision (2)(k)
22 of section 60-6,288. ~~or~~

23 ~~(v) To operate an emergency vehicle for purposes of sale,~~
24 ~~demonstration, exhibit, or delivery, if the applicant or his or her~~
25 ~~designee is a manufacturer or sales agent of the emergency vehicle.~~

1 No permit shall be issued for an emergency vehicle which weighs
2 over sixty thousand pounds on a tandem axle.

3 (b) No permit shall be issued under subdivision (a)(i)
4 of this subsection for a vehicle carrying a load unless such
5 vehicle is loaded with an object which exceeds the size or weight
6 limitations, which cannot be dismantled or reduced in size or
7 weight without great difficulty, and which of necessity must be
8 moved over the highways to reach its intended destination. No
9 permit shall be required for the temporary movement on highways
10 other than dustless-surfaced state highways and for necessary
11 access to points on such highways during daylight hours of
12 cost-saving equipment to be used in highway or other public
13 construction or in agricultural land treatment when such temporary
14 movement is necessary and for a reasonable distance.

15 (2) The application for any such permit shall
16 specifically describe the vehicle, the load to be operated or
17 moved, whenever possible the particular highways for which permit
18 to operate is requested, and whether such permit is requested for a
19 single trip or for continuous or continuing operation.

20 (3) The department or local authority is authorized to
21 issue or withhold such permit at its discretion or, if such permit
22 is issued, to limit the number of days during which the permit
23 is valid, to limit the number of trips, to establish seasonal or
24 other time limitations within which the vehicles described may be
25 operated on the highways indicated, or to issue a continuous or

1 continuing permit for use on all highways, including the National
2 System of Interstate and Defense Highways. The permits are subject
3 to reasonable conditions as to periodic renewal of such permit
4 and as to operation or movement of such vehicles. The department
5 or local authority may otherwise limit or prescribe conditions
6 of operation of such vehicle or vehicles, when necessary to
7 assure against undue damage to the road foundations, surfaces, or
8 structures or undue danger to the public safety. The department or
9 local authority may require such undertaking or other security as
10 may be deemed necessary to compensate for any injury to any roadway
11 or road structure.

12 (4) Every such permit shall be carried in the vehicle
13 to which it refers and shall be open to inspection by any peace
14 officer, carrier enforcement officer, or authorized agent of any
15 authority granting such permit. Each such permit shall state the
16 maximum weight permissible on a single axle or combination of axles
17 and the total gross weight allowed. No person shall violate any
18 of the terms or conditions of such special permit. In case of any
19 violation, the permit shall be deemed automatically revoked and the
20 penalty of the original limitations shall be applied unless:

21 (a) The violation consists solely of exceeding the size
22 or weight specified by the permit, in which case only the penalty
23 of the original size or weight limitation exceeded shall be
24 applied; or

25 (b) The total gross load is within the maximum authorized

1 by the permit, no axle is more than ten percent in excess of the
2 maximum load for such axle or group of axles authorized by the
3 permit, and such load can be shifted to meet the weight limitations
4 of wheel and axle loads authorized by such permit. Such shift may
5 be made without penalty if it is made at the state or commercial
6 scale designated in the permit. The vehicle may travel from its
7 point of origin to such designated scale without penalty, and a
8 scale ticket from such scale, showing the vehicle to be properly
9 loaded and within the gross and axle weights authorized by the
10 permit, shall be reasonable evidence of compliance with the terms
11 of the permit.

12 (5) The department or local authority issuing a permit
13 as provided in this section may adopt and promulgate rules and
14 regulations with respect to the issuance of permits provided for in
15 this section.

16 (6) The department shall make available applications
17 for permits authorized pursuant to subdivisions (1)(a)(ii) and
18 (1)(a)(iii) of this section in the office of each county treasurer.
19 The department may make available applications for all other
20 permits authorized by this section to the office of the county
21 treasurer and may make available applications for all permits
22 authorized by this section to any other location chosen by the
23 department.

24 (7) The department or local authority issuing a permit
25 may require a permit fee of not to exceed twenty-five dollars,

1 except that:

2 (a) The fee for a continuous or continuing permit may not
3 exceed twenty-five dollars for a ninety-day period, fifty dollars
4 for a one-hundred-eighty-day period, or one hundred dollars for a
5 one-year period; and

6 (b) The fee for permits issued pursuant to subdivision
7 (1)(a)(ii) of this section shall be twenty-five dollars for a
8 thirty-day permit and fifty dollars for a sixty-day permit. Permits
9 issued pursuant to such subdivision shall be valid for thirty days
10 or sixty days and shall be renewable for a total number of days not
11 to exceed one hundred and twenty days per year.

12 A vehicle or combination of vehicles for which an
13 application for a permit is requested pursuant to this section
14 shall be registered under section 60-3,147 or 60-3,198 for the
15 maximum gross vehicle weight that is permitted pursuant to section
16 60-6,294 before a permit shall be issued.

17 Sec. 4. Original sections 60-6,114, 60-6,294, and
18 60-6,298, Revised Statutes Cumulative Supplement, 2008, are
19 repealed.